

ESTTA Tracking number: **ESTTA373035**

Filing date: **10/13/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	9ci Inc.
Granted to Date of previous extension	10/16/2010
Address	1701 Golf Road Tower 2 Suite 110 Rolling Meadows, IL 60008 UNITED STATES

Attorney information	Daliah Saper Saper Law Offices 505 N. LaSalle, Suite 350 Chicago, IL 60654 UNITED STATES admin@saperlaw.com Phone:312-527-4100
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Applicant Information

Application No	85000872	Publication date	08/17/2010
Opposition Filing Date	10/13/2010	Opposition Period Ends	10/16/2010
Applicant	Wausau Financial Systems, Inc. 875 Indianhead Drive Mosinee, WI 54455 UNITED STATES		

Goods/Services Affected by Opposition

Class 036. All goods and services in the class are opposed, namely: Bill processing and payment services rendered to a biller, lockbox or third party payee to permit the biller, lockbox or third party payee to initiate an electronic billing transaction to a payor and to receive payment via email messaging

Applicant Information

Application No	85000902	Publication date	08/17/2010
Opposition Filing Date	10/13/2010	Opposition Period Ends	
Applicant	Wausau Financial Systems, Inc. 875 Indianhead Drive Mosinee, WI 54455 UNITED STATES		

Goods/Services Affected by Opposition

Class 009.

All goods and services in the class are opposed, namely: Bill processing and payment software used by a biller, lockbox or third party payee to permit the biller, lockbox or third party payee to initiate an electronic billing transaction to a payor and to receive payment via email messaging

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	GREENBILL		
Goods/Services	Nondownloadable software that provides paperless invoicing, simplifies payment collection, and is integrable with popular accounting software.		

Attachments	Greenbill Opposition Notice.pdf (5 pages)(35568 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Daliah Saper/
Name	Daliah Saper
Date	10/13/2010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Applicant: Wausau Financial Systems, Inc.
Serial No.: 85/000,902
Filed: March 29, 2010
Mark: GREENBILL\$
IC: 036
Published: August 17, 2010
Services: Bill processing and payment
services rendered to a biller, lockbox or third
party payee to permit the biller, lockbox or
third party to initiate an electronic billing
transaction to a payor and to receive
payment via email messaging.

Serial No.: 85/000,872
Filed: March 29, 2010
Mark: GREENBILL\$
IC: 009
Published: August 17, 2010
Services: Bill processing and payment
services used by a biller, lockbox or third
party payee to permit the biller, lockbox or
third party to initiate an electronic billing
transaction to a payor and to receive
payment via email messaging.

9ci, INC.,)
Opposer,)
)
)
v.)
)
)
WAUSAU FINANCIAL SYSTEMS, INC.,)
)
Applicant.)
_____)

Opposition No. _____

NOTICE OF OPPOSITION

TO THE ASSISTANT COMMISSIONER FOR TRADEMARKS
TRADEMARK TRIAL AND APPEAL BOARD:

9ci, Inc. (hereinafter "Opposer"), a corporation of the State of Illinois, having a
principal place of business at 1701 Golf Road, Tower 2 Suite 110, Rolling Meadows, IL 60008,
believes that it will be damaged by registration of the mark GREENBILL\$, shown in U.S.

Application Serial Nos. 85/000,902 and 85/000,872, both filed on March 29, 2010, and hereby opposes the same.

As grounds for the opposition, Opposer alleges as follows:

1. On information and belief, Wausau Financial Systems, Inc. (hereinafter “Applicant”) is a Wisconsin corporation, having an address of 875 Indianhead Drive, Mosinee, WI 54455.
2. On information and belief, Applicant is the owner of U.S. Application Serial Nos. 85/000,902 filed on March 29, 2010, for the standard character mark GREENBILL\$, for “[b]ill processing and payment services used by a biller, lockbox or third party payee to permit the biller, lockbox or third party to initiate an electronic billing transaction to a payor and to receive payment via email messaging,” in International Class 009.
3. On information and belief, Applicant is the owner of U.S. Application Serial Nos. 85/000,872 filed on March 29, 2010, for the standard character mark GREENBILL\$, for “[b]ill processing and payment services rendered to a biller, lockbox or third party payee to permit the biller, lockbox or third party to initiate an electronic billing transaction to a payor and to receive payment via email messaging,” in International Class 036.
4. U.S. Application Serial Nos. 85/000,902 and 85/000,872 were filed based on Applicant’s intent to use the mark GREENBILL\$ as both a good and a service, which to date has not been alleged.
5. On information and belief, Applicant’s products and services will be targeted to accounts receivable departments of both large and small businesses.
6. On June 24, 2008, Opposer registered the domain name greenbill.com and launched Opposer’s website on July 1, 2008, advertising the GREENBILL service as providing

paperless invoicing, simplifying payment collection, and being integrable with popular accounting software.

7. Opposer advertised and marketed the GREENBILL service at the Credit Research Foundation Forum & Credit Expo, held August 18-20, 2008, in Minneapolis, MN. The Expo was a promotional event for vendors and developers of accounts receivable management products and services attended by approximately 200 individuals. While gaining exposure at the Expo, Opposer talked personally with dozens of consumers about the features of the GREENBILL service.
8. In or about January 2009, Opposer began selling the GREENBILL nondownloadable software on Opposer's website.
9. Since a date prior to any date upon which Applicant can reasonably rely, Opposer has used the mark GREENBILL in the accounts receivable markets.
10. Continuously, since at least as early as July 1, 2008, Opposer has used the mark GREENBILL to advertise its invoicing and related services. Opposer has invested thousands of dollars in advertising and promotional efforts, including signage at various trade shows and advertisements on the search engine Google. Opposer has also sponsored the Entrepreneurs Organization Midwest Regional Conference in May 2010, hosting 150 company CEOs and presidents.
11. Continuously, since at least as early as January 31, 2009, Opposer has used the mark GREENBILL in commerce for invoicing and related services.
12. Upon information and belief, Applicant's goods and services and Opposer's services will be offered in the same channels of trade and to the same customers, namely, accounts receivable departments of both large and small businesses.

13. The mark GREENBILL\$ so resembles Opposer's mark GREENBILL in sight, sound, connotation and commercial impression when applied to the goods and services of Applicant, as to cause confusion, or to cause mistake, or to deceive, within the meaning of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).
14. The mark GREENBILL\$ so resembles Opposer's mark GREENBILL, as to falsely suggest a connection with Opposer when applied to the services of Applicant, within the meaning and in violation of Section (a) of The Lanham Act, 15 U.S.C. § 1052(a).
15. Opposer will be damaged by the registration sought by Applicant insofar as the registration will be *prima facie* evidence of the validity of the registration, Applicant's ownership of the mark GREENBILL\$, and Applicant's exclusive right to use the mark GREENBILL\$ when, in fact, Applicant is not entitled to such rights by virtue of Opposer's prior and continuous use of the mark GREENBILL and Opposer's prior rights established in and to the mark GREENBILL in association with services in the accounts receivable market.
16. Based upon the foregoing, registration of the mark GREENBILL\$ is likely to cause injury and damage to Opposer.

WHEREFORE, Opposer respectfully requests the registration of the mark GREENBILL\$, shown in U.S. Application Serial Nos. 85/000,902 and 85/000,872, be denied under Sections 2(a) and 2(d) of the Trademark Act of 1946, and that this Opposition be sustained.

Respectfully submitted, this 13th day of October 2010.

/Daliah Saper/

Daliah Saper
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